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## Submitted via fax 202 224-9516

Julv 09 2009

The Honorable Patrick J. Leahy, Chairman  
Committee on the Judiciary  
United States Senate  
433 Russell Senate Office Building  
Washington, D.C. 20510

The Honorable Jeff Sessions  
Committee on the Judiciary  
United States Senate  
335 Russell Senate Office Building  
Washington, D.C. 20510

Dear Chairman Leahy and Ranking Member Sessions:

The Center for Inquiry writes to express our support for the Confirmation of Judge Sonia Sotomayor as Associate Justice of the Supreme Court of the United States. In her seventeen years of service to date as a federal trial and appellate judge, and throughout the course of her entire career, Judge Sotomayor has strongly distinguished herself through her outstanding intellectual credentials and her deep respect for the rule of law, establishing herself beyond question as fully qualified and ready to serve on the Supreme Court.

The Center is concerned with and committed to science, reason, free inquiry, secularism, and planetary ethics.

We respectfully submit the following questions for consideration for Judge Sotomayer:

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1) Does the Establishment Clause requires neutrality with respect to religion and non-religion, meaning that government may not act in any way that would favor religion in general over non-religion; or does the Establishment Clause merely require that government may not favor any one religion over others?

2) What test or tests should the Court apply in Establishment Clause cases: the three-part *Lemon* test, Justice O'Connor's "endorsement test," Justice Kennedy's "coercion test," or some other test or combination of tests? In what way does the answer depend on the nature of the issue before the Court?

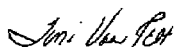
3) Does the Free Exercise clause ever make it necessary for the government to carve out exceptions to generally applicable laws that burden an individual's ability to exercise his or her religious belief, such that religious believers can avoid complying with laws that are binding on everyone else?

4) Does she support the central holding of *Roe v. Wade*, and would she deem all subsequent cases that narrowed the scope of *Roe*

5) Does she support the ruling in the 1989 case of *Texas v. Johnson* that mere offensiveness of a form of expression cannot be a basis for banning it, such that the First Amendment protects the right to burn an American flag, in protest, as long as the individual flag so destroyed is not the property of someone else?

We know that your work is cut out for you with these hearings. Thank you for all you do for the American people and for your time and consideration in this matter.

Sincerely,



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